



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Request for Authority to Hire a Contract Docket Clerk to assist with the Environmental Abatement Program Litigation, and Appropriate Funds for this Expense (\$5,000.00).

**MEETING DATE:** February 18, 2004

**PREPARED BY:** City Attorney

---

**RECOMMENDED ACTION:** That the City Council authorize the Interim City Attorney to hire a temporary Docket Clerk to assist in the management of the Environmental Abatement Program litigation.

**BACKGROUND INFORMATION:** As you are aware, when the City Council fired the City's outside counsel, Envision Law Group, the workload fell on the City's Attorney's office, along with the help of the law firm of Kronick, Moskowitz, Tiedemann & Gerard. Until such time as another environmental law firm is hired and brought up to speed, it is imperative that all documents regarding any and all PCE/TCE litigation be docketed and accounted for.

With the City Attorney staff consisting of the Legal Secretary, and myself we are not able to physically perform all of the necessary duties that are required to stay on top of the PCE/TCE issues and still perform all of the duties on the municipal side of the office.

Kronick Moskowitz Tiedemann & Girard has offered one of its Docket Clerks to perform the services at a steeply discounted rate of \$24.00 per hour plus travel expenses. As such, the item does not include benefits or a new temporary or permanent position. The budgeted amount is based on the assumption that the clerk will work three days per week for 4 to 5 months.

I respectfully request that the City Council authorize hiring a temporary Docket Clerk on a contract basis to assist with the PCE/TCE litigation, and appropriate funds in the amount of \$5,000.00.

**FUNDING:** Water Fund

  
D. Stephen Schwabauer  
Interim City Attorney

  
Vicky McAthie, Finance Director

DSS/pn

---

**APPROVED:**   
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-30

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING  
THE HIRING OF A TEMPORARY DOCKET CLERK TO ASSIST  
IN THE MANAGEMENT OF THE ENVIRONMENTAL  
ABATEMENT PROGRAM LITIGATION AND  
APPROPRIATE FUNDS FOR THIS POSITION

---

WHEREAS, with the City Attorney's Office undertaking the management of the Environmental Abatement Program litigation until such time as the City Council hires an environmental law firm, it is imperative that all documents regarding any and all PCE/TCE litigation be docketed and accounted for; and

WHEREAS, Kronick Moskovitz Tiedemann & Girard has offered one of its Docket Clerks to perform the services at a rate of \$24.00 per hour plus travel expenses. As such, the item does not include benefits or a new temporary or permanent position. The budgeted amount is based on the assumption that the clerk will work three days per week for four to five months; and

WHEREAS, staff respectfully requests that the City Council authorize hiring a temporary Docket Clerk on a contract basis to assist with the PCE/TCE litigation and appropriate funds in the amount of \$5,000.00 for this expense.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the hiring of a temporary Docket Clerk at a cost of \$24.00 per hour to assist with the Environmental Abatement Program litigation; and

BE IT FURTHER RESOLVED that funds in the amount of \$5,000.00 be appropriated from the Wastewater fund to cover this expense.

Dated: February 18, 2004

---

I hereby certify that Resolution No. 2004-30 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 18, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Howard, Land, and Mayor Hansen  
NOES: COUNCIL MEMBERS – None  
ABSENT: COUNCIL MEMBERS – Hitchcock  
ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk